

CRAIG METJE)	AGBCA No. 98-116-1
(BLACK BUTTE SALVAGE),)	
)	
Appellant)	
)	
Representing the Appellant:)	
)	
Craig Metje)	
c/o William Metje)	
368 Hillside Avenue)	
Hurley, New York 12443-5611)	
)	
Representing the Government:)	
)	
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Office of the General Counsel)	
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DECISION OF THE BOARD OF CONTRACT APPEALS

December 16, 1998

OPINION BY ADMINISTRATIVE JUDGE JOSEPH A. VERGILIO

Craig Metje (Appellant), of Gardiner, Montana, had the Black Butte Salvage contract, No. 017844, with the United States Department of Agriculture, Forest Service (Respondent), with work to be performed in the Gallatin National Forest, Montana. On December 8, 1997, the Board received this appeal from a Contracting Officer's decision. The Board has jurisdiction over this appeal pursuant to the Contract Disputes Act, as amended. 41 U.S.C. §§ 601-613. Mr. Metje contends both that he satisfied the requirements of the contract, such that the Forest Service improperly assessed damages, and that he is entitled to payment under the contract and the return of his deposit.

Following the filing of the Complaint, the parties sought and obtained a stay of proceedings while they explored a settlement of the dispute. The parties stated during a telephone conference held with the Board on December 3, 1998, that the parties have resolved the dispute, Mr. Metje has received payment, and the parties jointly request that the appeal be dismissed with prejudice, with each party releasing the other from all claims, existing or potential, under the contract at issue.

DECISION

Pursuant to the request of the parties, this appeal is dismissed with prejudice.

JOSEPH A. VERGILIO
Administrative Judge

Concurring:

EDWARD HOURY
Administrative Judge

HOWARD A. POLLACK
Administrative Judge

Issued at Washington, D.C.
December 16, 1998